

ELECTIONS COMMISSION

Meeting Minutes

October 10, 2012

ROLL CALL

PRESENT: Chair Smith, Vice-Chair Cosgrove, Commission Members Louie and Pierre-Dixon

ABSENT: Commissioner Edgeworth

STAFF: City Clerk Dennis Hawkins, Senior Deputy City Attorney Lisa Herrick, Deputy City Clerk Tamara Davis, and Staff Technician Kathy Carrillo

ORDER OF BUSINESS

I. Call to Order

The members of the San Jose Elections Commission convened at 5:37 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

II. Adoption of the Agenda

Upon motion by Commissioner Pierre-Dixon, and seconded by Commissioner Louie, the Commission approved the adoption of the October 10, 2012 Agenda. Vote (4-0)

III. Public Comment

None.

IV. Closed Session

None.

V. Approval of Minutes**A. August 8, 2012**

Action: Upon motion by Commissioner Pierre-Dixon, and seconded by Commissioner Louie, the Commission approved the meeting minutes from August 8, 2012. Vote (4-0)

VI. Reports**A. Chair Smith – None****B. City Attorney**

Senior Deputy City Attorney Herrick announced her departure from the City of San Jose. Ms. Herrick's last day will be October 26, 2012. Ms. Herrick informed the Commission that she has accepted a position as the General Counsel for the Superior Court of Santa Clara County. Commissioners congratulated her on her new position and expressed their appreciation for her advice and counsel over the past few years.

C. City Clerk

City Clerk Dennis Hawkins introduced Staff Technician Kathy Carrillo, Administrative Assistant to the City Clerk, to the Elections Commission. Mr. Hawkins mentioned that Ms. Carrillo will assist with Boards and Commissions, and other tasks. Mr. Hawkins also informed the Commission that the Office of the City Clerk has hired four new individuals: two analysts and 2 staff technicians.

The City Clerk provided an update on the Boards and Commissions Structural Improvement Project. Mr. Hawkins highlighted the proposal, which would eliminate the Small Business Development Commission & the Human Rights Commission, and consolidate 16 commissions into five commissions. The City Clerk informed the Commission that he will present the Structural Improvement Report to the City Council on October 23, 2012. Mr. Hawkins stated that he is preparing the supplemental reports, which includes an analysis of commissioners by districts, a cost analysis of the commissions, and other information. The City Clerk stated that he anticipates City Council direction and follow-up, and will return to the City Council by the end of the year. The City Clerk noted that several of City's Charter and/or quasi-judicial boards (Planning, Civil Service, Retirement Boards, Salary Setting, and Redistricting) are excluded from the Structural Improvement Proposal. The City Clerk indicated that he would address the Elections Commission request for a name change in his supplemental memo.

D. Investigator/Evaluator - None

VII. Items Scheduled for Action

- A. Council referral from Councilmember Chu re: electioneering communications

Document Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated June 7, 2012 regarding Elections Commission Referral.

The Commission reviewed the memo from Councilmember Chu re: electioneering communications. The City Clerk reported that the Rules and Open Government Committee referred the item to the Commission as part of its Workplan and its review of Title 12 in preparation for the 2014 elections. The City Clerk suggested that, in addition to the Title 12 review, the Commission consider a review of campaign signage under Title 23 – Sign Ordinance. That review will require coordination with Planning, Building, and Code Enforcement, as they are responsible for Sign Code enforcement.

Senior Deputy City Attorney Lisa Herrick mentioned that complaints about billboards should also be considered. Ms. Herrick noted that the Commission should consider looking at Campaign Websites in the revision of Title XII. The City Clerk mentioned the FPPC may have come up with new requirements.

Action: The Commission deferred the item until the first quarter of 2013 to coincide with the Title 12 review discussion.

- B. Council referral from Mayor Reed re: independent expenditures

Document Filed: Memorandum from Mayor Chuck Reed to the Rules and Open Government Committee dated August 8, 2012 regarding Expenditure Limits and Campaign Contribution Limits.

On August 8, 2012 the Rules and Open Government Committee referred the memorandum to the Elections Commission to include the item in their FY 2012 -2013 Workplan. The Expenditure Limits will be reviewed as part of the Title XII review following the 2012 election cycle and in preparation for the 2014 campaigns.

Action: The Commission deferred the item until the first quarter of the New Year to coincide with the Title XII review discussion.

- C. Compliance monitoring – Consideration of issues arising from prima facie review of campaign finance and other required disclosures per 2012-13 work plan.

The City Clerk informed the Commission that the City Council files two disclosure documents on a quarterly basis, and overall the City Council is in compliance.

The City Clerk noted that a few City Council members have been using incorrect dates for the reporting period or may have items that were outside of the reporting period, but those are being corrected. The next reports are due October 15 for the period July 1 – September 30, 2012. The City Clerk noted that the FPPC requires completion of the form 803 when elected officials receive contributions at their behest totaling \$5,000 or more per calendar year from a source. The City Clerk will continue to inform and assist the Mayor and City Council regarding City and FPPC disclosure requirements.

The City Clerk also mentioned that staff is looking at the 2006, 2008, 2010 election years as part of a review of campaign filings, and have discovered candidates who have outstanding filing requirements. The candidates will be notified and corrective actions pursued.

VIII. ITEMS SCHEDULED FOR INFORMATION OR DISCUSSION

- A. Status of Commission resolution re: findings concerning the Silicon Valley Association of Republican Women – Verbal report by City Clerk

The City Clerk contacted the Silicon Valley Association of Republican Women, and they stated they were never formally notified of the Election Commission's findings. The City Clerk is looking into the matter and will bring this issue back to the Elections Commission for the November Meeting.

- B. Review and discuss Municipal Code Title 12 and Title 23 – placement of signs on private property - Verbal report by the City Clerk

The City Clerk mentioned that the City Clerk's Office is receiving a lot of complaints about campaign sign placement. He noted that Code Enforcement is following up on complaints and enforcing the sign ordinance which is contained in Title 23.

The City Clerk noted that campaign sign enforcement is working because of the coordination between Code Enforcement and the Office of the City Clerk. Mr. Hawkins suggested that the Elections Commission consider a joint meeting with Planning, Building, and Code Enforcement or the Appeals Hearing Board in the future to review the sign ordinance and that this possibly be considered as part of the review of the 2012 election and potential Municipal Code changes for 2014.

- C. Discussion concerning Council-sponsored City special events – Verbal report by the City Clerk

The City Clerk highlighted the process that the City Council follows to designate something as a City special event. The City Clerk placed this item on the Elections Commission November agenda for further discussion.

- D. Status of proposed changes to the Gift Ordinance – Verbal report by the City Attorney

Senior Deputy Attorney Herrick mentioned that the ordinance still needs final review and input from her colleagues. She also indicated that the draft requires further changes to reflect new or recently changed FPPC rules.

- E. 2012 Elections update – Verbal report by the City Clerk

The City Clerk will update the Elections Commission on the results of the November 6, 2012 City Council Election at the November 14, 2012 meeting.

VIII. Meeting Schedule and Agenda Items

The next Regular Meeting is scheduled on Wednesday, November 14, 2012. The meeting will proceed unless cancelled by the Chair of the Commission.

The following agenda items will be discussed at the November 14, 2012 Elections Commission meeting

- Compliance monitoring – Consideration of issues arising from prima facie review of campaign finance and other required disclosures per 2012-13 work plan
- Status of Commission resolution re: findings concerning the Silicon Valley Association of Republican Women
- Discussion concerning Council-sponsored City special events
- Status of proposed changes to the Gift Ordinance
- 2012 Elections update
- Boards and Commissions Structural Improvement Project Actions by the City Council from the October 23, 2012 City Council meeting

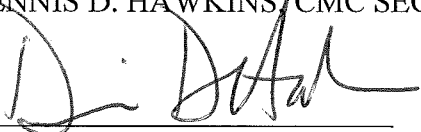
IX. Adjournment

The meeting was adjourned at approximately 6:52 p.m.



MICHAEL SMITH, CHAIR

ATTEST:
ELECTIONS COMMISSION
DENNIS D. HAWKINS, CMC SECRETARY



Dennis D. Hawkins, CMC